

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BRIAN THRANE,

Case No. 15-cv-7418

Plaintiff,

v.

METROPOLITAN TRANSPORTATION
AUTHORITY *and* MTA BUS COMPANY,

**PARTIES' PROPOSED
VOIR DIRE**

Defendants.
-----X

The Parties respectfully request that the Court include the following questions in the Court's *voir dire* to the prospective jury.

By:

The Liddle Law Firm PLLC

**Executive Agency Counsel
MTA Bus Company**

_____/s/_____
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_____/s/_____
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Attorneys for Plaintiff

Attorneys for Defendants

QUESTIONS FOR ALL PROSPECTIVE JURORS AS A GROUP

1. The Plaintiff in this case Brian Thrane.

Are you acquainted with the Plaintiff? ☐ Yes ☐ No

If yes, please explain:

2. The Defendants in this case are Defendants Metropolitan Transportation Authority and MTA Bus Company (“MTA Bus” collectively). Do you have, or have you ever had, any kind of commercial relationship with or interest with Defendants? ☐ Yes ☐ No

If yes, please explain:

3. Have you, close friends, or relatives ever been employed by MTA Bus or any entity you feel is affiliated to MTA?

☐ Yes ☐ No

If yes, please explain in what capacity. If no longer employed, please provide the circumstances behind the separation. Would anything about the experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair and impartial juror?

4. The Plaintiff in this lawsuit is represented by the law firm The Liddle Law Firm PLLC. Trial counsel for Plaintiff is Edgar M. Rivera, Esq. Are you acquainted with or had any dealings with this attorney or law firm? ☐ Yes ☐ No

If yes, please explain:

5. The Defendants in this lawsuit is represented by Executive Agency Counsel for the MTA Bus Company. Trial counsel for Defendants are Gabriella Palencia, Esq. and Steve Effron, Esq. Have you heard of counsel for Defendants? ☐ Yes ☐ No

If yes, please explain:

6. Do you have any close friends or family members that have had any dealings with any of the attorneys in this case? ☐ Yes ☐ No

If yes, please explain.

7. Do you have a driver's license? ☐ Yes ☐ No

If yes, how often do you drive, do you drive to and from work, or as part of your job, and what kind of vehicle do you drive (e.g., a passenger car, a truck, a bus, an SUV)? Please explain.

8. Have you, a close friend, or family member ever had a stroke, a mini-stroke or have experiences symptoms of a stroke?

☐ Yes ☐ No

If yes, did/does it limit driving? Please explain.

9. Do you currently have a child who goes to school? ☐ Yes ☐ No

If yes, does the child take an MTA bus to school, a private company's school bus, or does the child walk to school? Please explain.

10. Did you previously have a child who went to school? ☐ Yes ☐ No

If yes, did the child take an MTA bus to school, a private company's school bus, or did the child walk to school? Please explain.

11. Have you or has any member of your family been treated by a doctor or doctors at the Occupational & Industrial Orthopedic Center ("OIOC"), at the Hospital for Joint Diseases, or at New York University Medical Center? ☐ Yes ☐ No

If so, please explain.

12. Do you know any of the following people who may testify in this case?

Timothy Thrane	<input type="checkbox"/> Yes <input type="checkbox"/> No
Joan Thrane	<input type="checkbox"/> Yes <input type="checkbox"/> No
Marion Golden, MD	<input type="checkbox"/> Yes <input type="checkbox"/> No
Norman Pflaster, MD	<input type="checkbox"/> Yes <input type="checkbox"/> No
Jacob Matthew, MD, DPN(N), FAADEP	<input type="checkbox"/> Yes <input type="checkbox"/> No
Anita K. Gill, MD	<input type="checkbox"/> Yes <input type="checkbox"/> No
Anuradha Singh, MD	<input type="checkbox"/> Yes <input type="checkbox"/> No
Arthur Weiss, MD	<input type="checkbox"/> Yes <input type="checkbox"/> No
Nicole Esquenet, DO	<input type="checkbox"/> Yes <input type="checkbox"/> No
Carl Macchio	<input type="checkbox"/> Yes <input type="checkbox"/> No
Richard Cerezo	<input type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please explain:

13. Have you read about this case or heard of it in any way? ☐ Yes ☐ No

If yes, please explain:

14. Do you, of your own knowledge, have any information about this case? ☐ Yes ☐ No

If yes, please explain:

15. This trial will last approximately 5 days. Does this time period present any serious problems for you? ☐ Yes ☐ No

If yes, please explain:

16. Do you have any disability that would make serving as a member of the jury difficult or impossible? ☐ Yes ☐ No

If yes, please explain:

17. Are you taking any medications, or do you have any physical or personal condition, that would make it difficult for you to concentrate or attend all sessions during the trial?

☐ Yes ☐ No

If yes, please explain:

18. Do you have any problem (vision, hearing, financial, emotional, language or medical) that you believe may significantly affect your jury service?

☐ Yes ☐ No

If yes, please explain:

19. Do you have any work commitment that would make serving as a member of the jury difficult or impossible? ☐ Yes ☐ No

If yes, please explain:

20. Do you have any vacation that would make serving as a member of the jury difficult or impossible? ☐ Yes ☐ No

If yes, please explain:

21. Do you know of any reason why it might be embarrassing for you to sit as a juror on this case? ☐ Yes ☐ No

If yes, please explain:

22. Do you have any moral, religious, or philosophical beliefs that would make it uncomfortable or difficult for you to judge another person?

☐ Yes ☐ No

If yes, please explain:

23. Did you know any of the other potential jurors before today? ☐ Yes ☐ No

If yes, please explain:

INDIVIDUAL QUESTIONS FOR THE JURORS

1. What is your gender? _____
2. What is your age? ____ years
3. Where were you born?
City, state, country: _____
4. Where did you grow up?
City, state, country: _____
5. Where did you live between the ages of 18 and 22?
City, state, country: _____
6. How long have you lived in New York? ____ years
If you have lived in New York for less than three years, please indicate your previous residence:
City, state, country: _____
7. What is your race/ethnicity? Please check all that apply.
☐ White
☐ African-American/Black
☐ Hispanic/Latino
☐ Asian/Pacific Islander
☐ Other (please specify): _____
8. What is the highest level of formal education that you have completed?
☐ Less than high school
☐ High school
☐ Technical or trade school
☐ Some college
☐ Junior college degree (Associate)
☐ College degree (Bachelor)
☐ Some graduate study
☐ Master's degree or doctorate
9. What is your current employment status?
☐ Employed full-time
☐ Employed part-time
☐ Self-employed
☐ Unemployed
☐ At home

- ☐ Full-time student
☐ Retired
☐ Other: _____

10. Please indicate your current employer (or last employer, if not currently employed):

Name: _____

Location (city, state): _____

Type of business: _____

Your job title or occupation: _____

How long have you worked for this employer? _____

☐ I have never been employed.

11. Unless you have never been employed, please describe your job duties:

12. Please indicate your previous employers/occupations:

13. Have you, a close friend, or family member ever worked as a bus driver/operator?

☐ Yes ☐ No

If yes, please explain:

14. Do you have a close friend or family member who works for a bus authority or bus company (including a school bus company)? ☐ Yes ☐ No

If yes, what is the name of the bus authority or bus company, and what job does that person have? Please explain.

15. Do you ride MTA buses? ☐ Yes ☐ No

If yes, under what circumstances, that is, how often and whether it is to/from work or for personal/family reasons? Do you feel safe on the buses? Please explain.

16. Have you ever been involved in a bus accident (seen one or been on a bus at the time)?

☐ Yes ☐ No

If yes, do you talk to bus operators? Do you engage any MTA employees in conversation? What are your feeling on the adequacy of service you receive? Please explain.

17. Have you ever been involved in a car accident? ☐ Yes ☐ No

If yes, please explain.

18. If you have been involved in a car or bus accident, do you think the accident could have been avoided? ☐ Yes ☐ No

If yes, please explain.

19. Do you have an positive, neutral, or negative opinion of MTA workers? ☐ Yes ☐ No

If yes, please explain.

20. Do you take any forms of public transportation that is not part of MTA (examples include New Jersey Transit, SIRTOA, Long Island Railroad, and Amtrak)? ☐ Yes ☐ No
If yes, do you feel safe on those means of transportations? Please explain.

21. Have you, a close friend, or family member ever worked as a cleaner? ☐ Yes ☐ No
If yes, please explain:

22. Have you, a close friend, or family member ever worked as a doctor? ☐ Yes ☐ No
If yes, please explain:

23. Have you, a close friend, or family member ever worked for or on the behalf of a union?
☐ Yes ☐ No
If yes, please explain:

24. Have you, a close friend, or family member ever had a dispute with any of your employers, current or former, regarding discrimination? ☐ Yes ☐ No
If yes, please explain:

25. What is your marital status?

- ☐ Never Married
- ☐ Married
- ☐ Domestic Partner
- ☐ Divorced
- ☐ Widowed
- ☐ Separated

26. What is the highest level of formal education that your spouse/partner has completed?

- ☐ Less than high school
- ☐ High school
- ☐ Technical or trade school
- ☐ Some college
- ☐ Junior college degree (Associate)
- ☐ College degree (Bachelor)
- ☐ Some graduate study
- ☐ Master's degree or doctorate
- ☐ I do not have a spouse or partner.

27. What is your spouse/partner's current employment status?

- ☐ Employed full-time
- ☐ Employed part-time
- ☐ Self-employed
- ☐ Unemployed

- ☐ At home
☐ Full-time student
☐ Retired
☐ Other: _____
☐ I do not have a spouse or partner.

28. Please indicate your spouse's/partner's current employer (or last employer, if your spouse/partner is not currently employed).

Name: _____

Location (city, state): _____

Type of business: _____

Your spouse/partner's job title or occupation: _____

How long has your spouse/partner worked for this employer? _____

Please list your spouse/partner's previous employers/occupations: _____

- ☐ My spouse/partner has never been employed.
☐ I do not have a spouse or partner.

29. With which political party do you most identify?

- ☐ Democrat
☐ Republican
☐ Independent
☐ Other (please specify): _____
☐ None

30. Do you have any children? ☐ Yes ☐ No

If yes, please indicate the following for each child:

Age	Education Level (if applicable)	Occupation (if applicable)	Employer (if applicable)

31. Are you a member of any organizations, such as professional, social, political, or religious organizations? ☐ Yes ☐ No

If yes, please list:

32. List all community or volunteer activities in which you participate:

33. List all organizations to which you regularly donate money:

34. What hobbies or recreational activities do you like to pursue in your spare time?

35. What do you generally do in your spare time?

36. How often do you view, read or listen to the local news (NYC-metro area)?

- ☐ Every day
- ☐ A few times a week
- ☐ Occasionally
- ☐ Never

37. What newspapers, magazines, radio stations, and/or online news services do you regularly read or use?

☐ I do not regularly read or use any newspapers, magazines, radio stations or online news services.

38. What, if any, were the last few books that you read?

39. What, if any, television programs do you watch regularly?

40. What, if any, courtroom or law-related shows do you watch regularly?

41. What, if any, radio programs/stations do you listen to frequently?

42. What, if any, websites do you visit regularly?

43. How often do you visit social networking sites, such as Facebook, Instagram, Twitter, etc.?

- ☐ Every day
- ☐ A few times a week

- ☐ Occasionally
☐ Never

44. Do you have a blog or website? ☐ Yes ☐ No

If yes, please explain:

45. Do you view or follow blogs of others regularly? ☐ Yes ☐ No

If yes, please indicate the blog(s) and topic(s):

46. Do you, a close friend, or family member have experience and/or training in any of the following?

Psychology/counseling	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Social work/social services	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Personnel/human resources	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Employee benefits	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Employee rules/manuals	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Law/law-related field	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Insurance/claims management	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Affirmative action/anti-discrimination programs	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Accounting/payroll	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Hearing officer/union steward	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Negotiator/arbitrator	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No
Medicine/medical field	<input type="checkbox"/> Yes, me	<input type="checkbox"/> Yes, someone close to me	<input type="checkbox"/> No

If you answered yes to any of the above, please explain:

47. Have you, a close friend, or family member ever:

- | | | | |
|--|----------------------------------|---|-----------------------------|
| Been fired or laid off? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Been turned down for a job
you/he/she wanted? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Belonged to a union/workers'
organization? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Been accused of discrimination? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Accused someone of discrimination? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Filed an internal grievance
with an employer? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Filed a worker's comp claim? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Filed a grievance with a union? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Filed a charge with the EEOC/FEP? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |
| Been involved in an
employment dispute? | <input type="checkbox"/> Yes, me | <input type="checkbox"/> Yes, someone close to me | <input type="checkbox"/> No |

If you answered yes to any of the above, please explain:

PRIOR JURY SERVICE/INVOLVEMENT WITH LEGAL SYSTEM

1. Have you ever served on a jury before? ☐ Yes ☐ No

If yes,

How would you describe your past jury experience(s)?

☐ Positive ☐ Neutral ☐ Negative

Did you serve as a juror on a criminal or a civil case?

☐ Criminal ☐ Civil ☐ I have served as a juror on both civil and criminal cases

If you have served as a juror on a criminal case,

Do you understand that, although in a criminal case the government is required to prove the defendant's guilt "beyond a reasonable doubt," in a civil case the plaintiff must prove his case by a "preponderance of the evidence?"

☐ Yes ☐ No

2. Have you, a close friend, or family member ever been a party to a lawsuit? ☐ Yes ☐ No

If yes, was it a criminal or a civil case?

☐ Criminal ☐ Civil ☐ I have been a party in both civil and criminal cases

If yes, please describe the outcome:

3. Were you ever a witness in a case? ☐ Yes ☐ No

If yes, was it a criminal or a civil case? ☐ Criminal ☐ Civil ☐ Both

BIAS

1. Do you believe that you will have trouble waiting until the evidence is presented, the attorneys argue their case and the judge instructs the jury on the law before making a decision in this case? ☐ Yes ☐ No

If yes, please explain:

2. Do you believe that the fact that an employer or an employee is a party to this lawsuit will make a difference in your determination?

3. If you find, after hearing the evidence, that you would have made a decision differently than one of the parties, would you still be able to find in favor of that party?

☐ Yes ☐ No

If no, please explain.

4. Have you, a close friend, or family member ever been involved in lawsuit regarding discrimination? ☐ Yes ☐ No

If yes, please explain:

5. Have you, a close friend, or family member been discriminated against by an employer?

☐ Yes ☐ No

If yes, please explain:

6. Have you, a close friend, or family member ever initiated a complaint alleging discrimination against an employer? ☐ Yes ☐ No

If yes, would anything about that experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair or impartial juror? Please explain.

7. Have you, a close friend, or family member ever initiated a lawsuit or filed an administrative complaint alleging discrimination? ☐ Yes ☐ No

If yes, would anything about that experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair or impartial juror? Please explain.

8. Have you, a close friend, or family member ever been named as the defendant or respondent in a lawsuit or administrative proceeding alleging discrimination?

☐ Yes ☐ No

If yes, would anything about that experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair or impartial juror? Please explain.

9. Have you, a close friend, or family member been the plaintiff or defendant in a lawsuit other than one alleging discrimination? ☐ Yes ☐ No

If yes, would anything about that experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair or impartial juror? Please explain.

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10. Have you, a close friend, or family member testified in a legal proceeding? ☐ Yes ☐ No
If yes, would anything about that experience cause you to enter this case favoring one side over the other or would otherwise prevent you from being a fair or impartial juror? Please explain.
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11. If you are selected as a juror in this case, you will be required to decide solely on the evidence introduced at trial and the instructions that the judge will give you concerning the law, whether you agree with the law or not. Can you think of any reason why you would not be able to do this? ☐ Yes ☐ No
If yes, please explain:
-
-
-
-
-

12. Have you ever thought you were discriminated against because of your medical condition or a perceived disability? Do you have any relative or friend who ever thought they were discriminated against because of their medical condition or perceived disability? How did you feel about it? Do you think you can keep an open mind?
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-
-

13. Do you think it's possible that people can claim they were discriminated against (or even believe it) and be mistaken?

14. Do you feel that since MTA Bus is a large organization it will not be harmed if it ends up paying money to the plaintiff?

CONCLUSION

1. Can you think of any reason why you would not be content to have the case tried by someone in your frame of mind if you were one of the parties to this case? ☐ Yes ☐ No
If yes, please explain:

2. Having read the questions put to you by the Court, is there any reason why you could not sit on this jury and render a fair verdict based on the evidence presented to you and in the context of the court's instructions to you on the law? ☐ Yes ☐ No
If yes, what is that reason and how do you believe it is likely to influence your decision-making?

3. Have you already formed an opinion about this case? ☐ Yes ☐ No